

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AWALNET TECHNOLOGY,

Plaintiff,

Case No. 17-13411

v.

HON. DENISE PAGE HOOD

EB WIRELESS, INC., et al.,

Defendants.

**ORDER DISMISSING WITHOUT PREJUDICE
PLAINTIFF'S CAUSE OF ACTION**

On October 19, 2017, Plaintiff, a Yemen corporation, filed a five-count complaint against Defendants. Approximately 10 months later and after extensive motion practice, Plaintiff's counsel filed a motion to withdraw. A hearing on the motion to withdraw as counsel was held on September 12, 2018. No representative of Plaintiff appeared at the September 12, 2018 hearing, and the Court granted the motion to withdraw on the record and in a written order dated September 14, 2018.

In both its ruling on the record on September 12, 2018 and the written order dated September 14, 2018, the Court advised Plaintiff that Plaintiff would have to obtain other counsel because, although an individual party may proceed in *pro se* on his or her own claim, only licensed attorneys may represent corporations in federal

court. *See* 28 U.S.C. § 1654; *United States v. 9.19 Acres of Land, More or Less, in Marquette County, Michigan*, 416 F.2d 1244, 1245 (6th Cir. 1969).¹ The Court afforded Plaintiff 45 days from the date of the September 14, 2018 Order to obtain new counsel and appear in this Court on November 7, 2018.

If no attorney files an appearance on behalf of a plaintiff entity, the complaint may be dismissed without prejudice. *Cheung v. Youth Orchestra Foundation of Buffalo, Inc.*, 906 F.2d 59, 62 (2d Cir. 1990). Since the September 14, 2018 Order was issued, no attorney has filed an appearance on behalf of Plaintiff, and no attorney appeared on behalf of Plaintiff at the November 7, 2018 hearing. Accordingly, the Court concludes that dismissal of Plaintiff's cause of action, without prejudice, is warranted and necessary at this time.

For the reasons stated above,

IT IS ORDERED that the instant cause of action is DISMISSED WITHOUT PREJUDICE. Judgment shall be entered accordingly.

s/Denise Page Hood
Chief Judge, U. S. District Court

Dated: November 8, 2018

¹Not even a corporate president, officer, agent, or shareholder may represent a corporation before a federal court. *9.19 Acres of Land*, 416 F.2d at 1245; *Nat'l Labor Relations Board v. Consol. Food Servs., Inc.*, 81 F. App'x 13 n.1 (6th Cir. 2003) (citations omitted).

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 8, 2018, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager